

## Message Text

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ACTION COME-00

INFO OCT-01 EUR-12 ISO-00 EB-07 STR-01 TRSE-00 OC-01 CCO-00

OES-03 OMB-01 CIEP-01 OTPE-00 FCC-01 CIAE-00 DODE-00

PM-03 H-01 INR-05 L-02 NSAE-00 NSC-05 PA-01 RSC-01

PRS-01 SP-02 SS-15 USIA-06 /070 W

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R 291759Z NOV 74

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 5082

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E.O. 11652: /A

TAGS: ETEL, ETRD, CA

SUBJECT: COMPUTER/COMMUNICATIONS CONSULTATION REQUEST

REF: OTTAWA 3867

1. EXTAFF HAS PROVIDED AMPLIFICATION OF QUESTIONS GOC WOULD PROPOSE TO RAISE WITH USG IN COURSE OF COMPUTER/COMMUNICATIONS CONSULTATIONS. SUBSTANTIVE TEXT OF LETTER FROM FULFORD, DIRECTOR, TRANSPORT, COMMUNICATIONS AND ENERGY DIVISION TO EMBASSY TCO O'C CONNOR FOLLOWS:

A. QUOTE: I AM SETTING OUT BELOW A LIST OF THE TYPES OF QUESTIONS WHICH CANADIAN AUTHORITIES WILL HAVE FOR U.S. OFFICIALS. I WOULD STRESS THAT THIS LIST IS NOT AN EXHAUSTIVE ONE BUT IS ILLUSTRATIVE OF THE SUBJECTS WHICH ARE OF INTEREST TO THE CANADIAN AUTHORITIES.

(1) WHAT IS THE ANTICIPATED DIRECTION OF U.S. POLICY WITH RESPECT TO THE FUTURE OF THE COMPUTER AND COMMUNICATIONS INDUSTRIES? IS IT EXPECTED THEY WOULD GRADUALLY MERGE TO BECOME A SINGLE INDUSTRY,  
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OR IS IT EXPECTED THAT, EVEN WITH SUCH WIDE-SPREAD

APPLICATIONS AS ENVISAGED BY A "WIRED CITY", A HIGH DEGREE OF COMPETITION CAN BE MAINTAINED PARTICULARLY IN VIEW OF THE FACT THE COMMUNICATIONS INDUSTRY IS A REGULATED ONE?

(2) DOES THE USA FORESEE WIDESPREAD APPLICATIONS OF COMPUTER/COMMUNICATIONS THAT WILL IMPACT UPON THE TRADITIONAL PATTERNS OF DAILY NORTH AMERICAN BUSINESS IN, FOR EXAMPLE, TRANSPORTATION?

(3) IS THE U.S. GOVERNMENT CONSIDERING ANY MEASURES WHICH WILL AFFECT THE STRUCTURE OF THE COMPUTER AND COMMUNICATIONS INDUSTRIES; HAS THE U.S. GOVERNMENT CONSIDERED THE EFFECTS OF SUCH MEASURES ON U.S. BASED ORGANIZATIONS OPERATING IN CANADA?

(4) IS THE U.S. GOVERNMENT CONSIDERING LEGISLATION TO CONTROL DATA BANKS FOR THE PURPOSE OF GUARANTEEING PERSONAL PRIVACY, AND, IF SO, HAS THE U.S. GOVERNMENT GIVEN CONSIDERATION TO:

(A) THE APPLICABILITY OF EITHER U.S. OR CANADIAN LEGISLATION TO MATTERS REGARDING PRIVACY OF CANADIAN CITIZENS WHO ARE DATA SUBJECTS IN COMPUTER RECORD SYSTEMS LOCATED IN THE UNITED STATES;

B) THE RIGHT OF ACCESS OF CANADIAN ORGANIZATIONS, BOTH IN THE PRIVATE AND PUBLIC SECTIONS, TO COMPUTER DATA STORED IN THE UNITED STATES, E.G. LAW ENFORCEMENT AND REGULATORY RECORDS, BUSINESS RECORDS, ECONOMIC AND SOCIAL DATA, ETC.;

C) THE POSSIBLE EXTRATERRITORIAL EFFECT OF PROPOSED U.S. LEGISLATION ON U.S. ORGANIZATIONS OR THEIR SUBSIDIARIES OPERATING IN CANADA.

(5) IN THE CASE OF BANKRUPTCY OF AN U.S. BASED ORGANIZATION THAT IS THE REPOSITORY OF DATA ON CANADIAN CITIZENS, IS THE U.S. GOVERNMENT CONSIDERING LEGISLATION THAT WOULD OVERSEE THE ULTIMATE DISPOSITION OF THE DATA CONCERNED FOR THE PURPOSE OF ENSURING THAT IT IS NOT DESTROYED OR OTHERWISE HANDLED IN A FASHION HARMFUL TO CANADIAN INTERESTS?

(6) WHAT IS U.S. GOVERNMENT POLICY ON THE DATA PROCESSING INDUSTRY WITH RESPECT TO FILE PROTECTION (I.E. PROTECTION AGAINST UNAUTHORIZED USE) AND LIABILITY (E.G. LOSS OF STORED DATA? IS THE U.S. LIMITED OFFICIAL USE

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GOVERNMENT CONSIDERING THE POSSIBILITY OF INCREASING THE PROTECTION AFFORDED EDT USERS AND THE GENERAL PUBLIC BY INTRODUCING MORE RIGOROUS STANDARDS OF FILE PROTECTION AND LIABILITY?

(7) WHAT IS THE PRESENT POSITION OF THE U.S. PATENT OFFICE REGARDING THE PATENTABILITY OF COMPUTER SOFTWARE? IS THE U.S. GOVERNMENT CONSIDERING ANY CHANGES IN INTELLECTUAL PROPERTY

LEGISLATION WHICH WOULD AFFECT THE PROTECTION  
AFFORDED COMPUTER SOFTWARE? IF SO, WHAT IS THE  
NATURE OF THE PROPOSED CHANGES?

B. WITH REPECT TO POINT 4 ABOVE, IT SHOULD BE  
NOTED THAT PRIVACY ISSUES ARE ALREADY UNDER DISCUSSION  
BETWEEN CANADIAN AND U.S. OFFICIALS. END QUOTE

2. FULFORD HAS ALSO ASKED TO BE ADVISED OF THE NAMES  
OF U.S. OFFICIALS WHOULD PARTICIPATE IN PROPOSED  
CONSULTATIONS SO THAT GAC CAN DETERMINE APPROPRIATE  
COUNTERPARTS.  
JOHNSON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TELECOMMUNICATION, COMPUTERS, MEETINGS  
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**Copy:** SINGLE  
**Draft Date:** 29 NOV 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** garlanwa  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
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**Previous Handling Restrictions:** n/a  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** COMPUTER/COMMUNICATIONS CONSULTATION REQUEST  
**TAGS:** ETEL, ETRD, CA  
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